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CENTRAL FAX CENTERApplication No. 10/802,752
Amendment dated October 27, 2006
Reply to Office Action of June 27, 2006

OCT 27 2006

Docket No.: 4392-0156P

REMARKS

Claims 1-12 remain present in this application.

The specification and claims 2, 5, 6, 8 and 12 have been amended. Reconsideration of the application, as amended, is respectfully requested.

Objection to the Claims

Claims 5, 6 and 12 stand objected to for certain informalities. In view of the foregoing amendments, in which the Examiner's helpful suggestions have been followed, it is respectfully submitted that these objections have been addressed. Reconsideration and withdrawal of any objection to the claims are respectfully requested.

Rejection under 35 USC 112

Claims 2, 6, 8 and 12 stand rejected under 35 USC 112, first paragraph. This rejection is respectfully traversed.

It is noted that claims 2, 6, 8 and 12 have been amended to recite that the operating state is categorized. Support for this amendment can be found on pages 3 and 4 of the originally filed specification. In view of the foregoing amendments, it is respectfully submitted that the claims would enable one of ordinary skill in the art to make and/or use the invention. Reconsideration and withdrawal of the 35 USC 112, first paragraph rejection are respectfully requested.

Rejection under 35 USC 102

Claims 1, 5, 7 and 11 stand rejected under 35 USC 102(b) as being anticipated by Kawata, U.S. Patent 6,076,171. This rejection is respectfully traversed.

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The patent to Kawata teaches a different "busy ratio" from the present application. The Examiner's attention is drawn to Fig. 1, column 3, lines 11-16, and column 6, lines 30-36, which set forth that the busy ratio T_b/T is the ratio of the actual time period in which the CPI is in a busy state to the reference time length. Independent claim of the present sets forth that the "sampling time span includes a plurality of sampling time units." Kuwata, however, does not divide the reference time into a plurality of smaller sampling time units. Independent claim 1 also includes the step of "determining the operation state of the electronic device at each said sampling time unit." Kuwata, however, does not determine the operation state of each time unit.

Independent claims 5, 7 and 11 recite similar limitations to those discussed in connection with independent claim 1, and therefore the foregoing arguments can also be applied to these independent claims.

In addition, it is noted that the first ratio of independent claims 1 and 7 of the present application is determined according to the number of sampling time units, and that claims 5 and 11 use the number of sampling time units directly without calculating the first ratio. These features are also not found in Kuwata.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art utilized by the Examiner fails to teach or suggest the method of independent claims 1, 5, 7 and 11 of the present application, as well as their dependent claims. Reconsideration and withdrawal of the 35 USC 102(b) rejection are respectfully requested.

Allowable Subject Matter

Applicants gratefully acknowledge that the Examiner considers claims 2-4, 6, 8-10 and 12 to contain allowable subject matter. In view of the foregoing amendments and remarks, it is respectfully submitted that all claims should be in condition for allowance.

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Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$120.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 27, 2006

Respectfully submitted,

By 

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